



# **Establish Paternity For Your Child's Sake . . .**

## **What Every Parent Should Know**

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Both parents deserve to know their child and to contribute to the success of their child's future. Every child deserves to have a legal father and all the rights and benefits that paternity establishment can bring.



# **Paternity Establishment is important**

## **What is paternity?**

Paternity means fatherhood.

## **Why is it important to establish paternity?**

Establishing paternity creates a legal relationship between a father and a child. Establishing a legal father for a child provides that child many potential benefits. Some of those benefits include:

- A sense of belonging because the child knows both parents.
- If your child becomes sick, the family doctor will appreciate knowing a full family medical history.
- Your child may be eligible for government benefits such as social security or veteran's dependent benefits.
- Your child may qualify for medical insurance coverage through the father's health plan and could become the beneficiary of a life insurance policy. Your child may also have the right to future inheritance benefits.
- Your child will become eligible for financial support from both parents.

## How may I legally establish paternity?

There are three ways to establish legal paternity. One option is **marriage**. If the mother and natural father decide to marry before the child is born, the marriage may create what is called a presumption of paternity. Unless a parent or some other interested party later challenges that presumption, the man will be considered the legal father of the child.

A second option is to sign a **Paternity Affidavit**. The Paternity Affidavit is a legal form. The man who signs the form will be considered the legal father after the form is signed, notarized, and filed at the Washington State Department of Health, Center for Health Statistics (DOH).

A third option is to go to **court**. The court may determine if a man is the father of the child. Often, the court will require a genetic test of the mother, child, and father.

## Establishing Paternity by Signing a Paternity Affidavit

### What are the advantages to signing a Paternity Affidavit?

The Paternity Affidavit is a simple, quick, and inexpensive way to legally establish paternity. It should be used **only** when both the man and the mother are sure that the man is the only possible natural father of the child.

### What if the mother was married to another man?

If the mother was married to another man during the pregnancy, the man who claims to be the father may sign a Paternity Affidavit. But, the mother's husband must also agree.

The presumed father (mother's husband) must sign a Denial of Paternity or the Paternity Affidavit will not be valid. Both the affidavit and the denial must be filed with DOH within 10 days of the child's birth. Otherwise, the mother's husband will be named as the father of the child on the birth certificate.

### **Where can I sign a Paternity Affidavit?**

Most parents sign the affidavit form at a birthing hospital, a birthing clinic, or at home under the care of a midwife shortly after the child is born. A hospital, midwife, or birthing clinic staff person will help you complete the form if necessary, answer questions, and submit the paperwork to DOH. Most hospitals, midwives, and birthing clinics can also notarize the form for you. If you sign within five days of your child's birth, you will not need to pay a fee to file the affidavit form.

If you do not sign at the hospital, you may obtain the Paternity Affidavit form at your local county health department or any Division of Child Support (DCS) office. Both parents will need to sign and have their signatures notarized. You may send the form directly to DOH along with the filing fee. If you need help completing the form, any DCS office can assist you. The last page of this booklet lists the DCS office addresses and phone numbers.

### **How May I Obtain a Copy of my Paternity Affidavit?**

The Paternity Affidavit is filed at DOH and becomes the official record. If you file an action in court to challenge or rescind the affidavit, you will need a certified copy from DOH.

To obtain the certified copy you will need to provide proof of your identity and pay a fee. The fee is \$28 as of June 13, 2002. You can call DOH at 360-236-4300 to find out the date that the affidavit was filed.

### **What are my legal rights when I sign a Paternity Affidavit?**

Federal law requires you to receive both **written** and **oral information** about your rights and responsibilities when you sign a Paternity Affidavit. A statement of your rights and responsibilities is on the back of the Paternity Affidavit form. It is very important that you read that statement. You can hear the oral information by viewing a short video which is available at the hospital, birth clinic, your local health department and any DCS office, or you may call a toll free number at 1-800-356-0463. Someone may also read the statement to you. **Do not sign the form until you have received and understood both the written and oral information.**

### **Can I sign the Affidavit even if I am under age 18?**

In most cases a person under 18 years of age is considered a minor. Effective June 13, 2002 a Paternity Affidavit signed by a minor is valid. Minors who sign the affidavit form will be held to the same standard as adults.

### **Can I change my mind if I sign a Paternity Affidavit?**

Either the man or the woman who signs a Paternity Affidavit may change his or her mind within a limited period of time. The legal term is called a rescission. Effective June 13, 2002, to rescind your signature you must initiate a court

action **within no more than 60 days** after the Paternity Affidavit is filed at DOH. If the court grants the rescission, DOH will remove the man's name from the birth certificate.

### **What if I change my mind more than 60 days after I sign the Paternity Affidavit?**

Either the man or the woman may challenge the affidavit in court. You will need to prove in Superior Court that you signed the form as a result of fraud, duress, or material mistake of fact. Effective June 13, 2002, the court will not allow the challenge **after 2 years** from the date the Paternity Affidavit was filed.

### **What if I am not sure I want to sign a Paternity Affidavit?**

You should sign the Paternity Affidavit **only** if you are sure that you are the natural parent of the child. If you have further questions, you may call one of the DCS offices listed on the last pages of this booklet. You may also want to consult an attorney. If you decide not to sign the affidavit, you may ask the court to establish paternity.

### **Do I need to have a genetic test?**

The Paternity Affidavit form will ask the father to affirm whether or not he has submitted to genetic testing. The father does not need to have a genetic test in order to sign the form, but he may choose to do so at his expense. A genetic test compares many different factors in the tissue or blood of the father, mother, and child. A genetic laboratory will issue a report which explains whether the man is the likely biological father. If paternity is established through the court, the court will likely require a genetic test if there is more than one possible father.

# Establishing Paternity Through the Courts

## **When should paternity be established in court?**

Usually, it is best to establish paternity through the courts if there is any question about the identity of the father. Often this occurs when the mother believes there is more than one possible father. There may be other reasons also. For example, if either the man or the woman is unsure about signing the affidavit or the woman's husband is unwilling to sign a denial, then establishing paternity in court may be the best option.

## **How do I open a paternity case in court?**

Often the state can establish paternity for your child if you apply for paternity establishment services with DCS. The DCS office and phone number nearest to you is listed near the back of this booklet. If DCS accepts your case, DCS will usually refer your case to a county prosecuting attorney for paternity establishment or initiate an action in Tribal Court if appropriate. The county prosecutor acts on behalf of your child and cannot represent you in court or give you legal advice. The county prosecutor can answer general questions about your paternity case. You should consider consulting an attorney to answer your legal questions and represent your interests in court. If you do not want DCS services, you or your attorney may file a parentage action directly with the court which has jurisdiction over your case.



## **How is paternity established in court?**

If the state is trying to establish paternity, a county prosecutor will usually serve legal papers upon the possible father or fathers. Often, the prosecutor or the court will require the mother, possible father, and the child to submit to genetic tests. The court will enter an order establishing paternity. DCS also has access to some tribal courts to establish paternity in certain tribal cases.

## **Are there costs to establish paternity in court?**

If the county prosecutor is establishing paternity in court on a DCS case, you will not be charged a filing fee. However there may be other costs associated with establishing paternity in court. If you choose to hire an attorney, you will be responsible for those costs. If a man is determined to be the father he may be ordered to pay the costs of genetic tests or other court costs.

## **Some Other Important Things to Know**

### **How do I establish parenting rights such as custody and visitation?**

Custody and visitation issues are usually addressed in a legal document called a Parenting Plan. Regardless of whether paternity was established through marriage, affidavit, or the courts, only the courts may address legal custody and visitation issues. Therefore, a parentage action must be filed with a court. Often, parents can agree on parenting plans by consulting with a mediator or court facilitator. Parents will still need to file the plan with the court. Contact your county court facilitator or other legal resources for further information.

## **Can I still establish paternity if the father or mother lives in a different state?**

Yes. A father or mother living in another state can sign the Paternity Affidavit. If the child was born in Washington, the Paternity Affidavit must be filed with DOH. Either parent may also open a case at DCS to establish paternity. DCS will work with the other state to obtain a paternity order.

## **What if I still have questions?**

Call the DCS field office nearest to where you live. The DCS contact information at the end of this booklet lists a phone number for each office which you can call with questions about paternity establishment. You may also consult an attorney. You may call toll free at 1-800-945-WSBA to find out if there is a lawyer referral service in your county. Low income people may qualify for reduced cost legal assistance. To find more about reduced cost legal assistance, call the King County Bar Association at 206-623-2551 if you live within King County. If you live outside of King County, call the CLEAR line at 1-888-201-1014.

If you would like more information, please contact the DCS field office in the county where you reside, and visit the DCS internet web site at:

**<http://www.wa.gov/dshs/dcs/>**

# Division of Child Support Field Offices

## **Everett**

Everett Field Office  
5415 Evergreen Way  
PO Box 4282

Everett, WA 98203-9282

Office Hours: 8:00a.m. - 5:00p.m., Monday - Friday

Telephone: (425) 438-4800 or (800) 729-7580

Fax: (425) 438-4879

TDD: (425)438-4939 or 1-800-241-9489

E-mail: everett-dcs@dshs.wa.gov

**(Counties served: Island,  
San Juan, Skagit,  
Snohomish and Whatcom)**

## **Fife**

Fife Field Office  
PO Box 2950

Tacoma, WA 98401-2950

Office Hours: 8:00a.m. - 5:00p.m., Monday - Friday

Telephone: (253) 922-0454 or (866) 243-4449

Fax: (253) 680-0491

TTY: (866) 270-0832

E-mail: imail\_fif@dshs.wa.gov

**(Counties served: Pierce,  
King, Kitsap)**

## **Kennewick**

Kennewick Field Office  
500 N. Morain, #2210  
PO Box 5550

Kennewick, WA 99336-0550

Office Hours: 8:00a.m. - 5:00p.m., Monday - Friday

Telephone: (509) 374-2000 or (800) 345-9981

Paternity Hotline: 509-374-2076

Fax: (509) 734-7251

TDD: (509) 734-7267

E-mail: kennewick-dcs@dshs.wa.gov

**(Counties served: Benton,  
Columbia, Franklin,  
and Walla Walla)**

## **Olympia**

Olympia Field Office  
6135 Martin Way  
PO Box 9209

Olympia, WA 98507-9209

Office Hours: 8:00a.m. - 5:00p.m., Monday - Friday

Telephone: (360) 664-6900 or (800) 345-9964

TDD: (360) 438-8906

Fax: (360) 438-8520

E-mail: olympia-dcs@dshs.wa.gov

**(Counties served: Clallam,  
Grays Harbor, Jefferson,  
Mason, Thurston and Pierce)**

# Division of Child Support Field Offices

**Seattle** (Counties served: King)

Seattle Field Office  
500 First Avenue South  
Seattle, WA 98104-2830  
Office Hours: 8:00a.m. - 5:00p.m., Monday - Friday  
Telephone: (206) 341-7000 or (800) 526-8658  
Paternity Hotline: 206-341-7140  
Fax: (206) 464-7449  
TDD: (206) 464-7851  
E-mail: [seattle-dcs@dshs.wa.gov](mailto:seattle-dcs@dshs.wa.gov)

**Spokane** (Counties served: Asotin,  
Ferry, Garfield, Lincoln,  
Pend Oreille, Spokane,  
Stevens and Whitman)

Spokane Field Office  
W. 1608 Boone  
PO Box 2560  
Spokane, WA 99220-2560  
Office Hours: 8:00a.m. - 5:00p.m., Monday - Friday  
Telephone: (509) 363-5000 or (800) 345-9982  
Paternity Hotline: 509-363-4943  
Fax: (509) 456-4148  
TDD: (509) 363-5080  
E-mail: [spokane-dcs@dshs.wa.gov](mailto:spokane-dcs@dshs.wa.gov)

**Tacoma** (Counties served: Kitsap  
and Pierce)

Tacoma Field Office  
2121 S. State Street  
PO Box 1237  
Tacoma, WA 98401-1237  
Office Hours: 8:00a.m. - 5:00p.m., Monday - Friday  
Telephone: (253) 597-3700 or (800) 345-9976  
Fax: (253) 597-3725  
TDD: (253) 593-9976  
E-mail: [tacoma-dcs@dshs.wa.gov](mailto:tacoma-dcs@dshs.wa.gov)

**Vancouver** (Counties served: Clark,  
Cowlitz, Klickitat, Lewis,  
Pacific, Skamania  
and Wahkiakum)

Vancouver Field Office  
5411 E. Mill Planin Blvd.,  
Building 3  
PO Box 4269  
Vancouver, WA 98682-0099  
Office Hours: 8:00a.m. - 5:00p.m., Monday - Friday  
Telephone: (360) 696-6100 or (800) 345-9984  
Fax: (360) 696-6491  
TDD: (360) 690-4633  
E-mail: [vancouver-dcs@dshs.wa.gov](mailto:vancouver-dcs@dshs.wa.gov)

# Division of Child Support Field Offices

## **Wenatchee**

*Wenatchee Field Office  
515 Grant Road,  
East Wenatchee, WA 98802*

**(Counties served: Adams,  
Chelan, Douglas, Grant  
and Okanogan)**

*Mailing address:*

*PO Box 2929  
Wenatchee, WA 98807-2929*

*Office Hours: 8:00a.m. - 5:00p.m., Monday - Friday*

*Telephone: (509) 886-6800 or (800) 535-1113*

*Fax: (509) 886-6212*

*TDD: (509) 886-6833*

*E-mail: wenatchee-dcs@dshs.wa.gov*

## **Yakima**

*Yakima Field Office  
1002 North 16th Avenue  
PO Box 22510  
Yakima, WA 98907*

**(Counties served: Kittitas  
and Yakima)**

*Office Hours: 8:00a.m. - 5:00p.m., Monday - Friday*

*Telephone: (509) 249-6000 or (800) 441-0859*

*Fax: (509) 576-3776*

*TDD: (509) 575-2675*

*E-mail: yakima-dcs@dshs.wa.gov*

*\* The Paternity Hotlines available in some field offices are for paternity specific information. You will be asked to leave a message in a voice mailbox. Someone will return your call to answer your questions.*

**Notes:**





**Division of Child Support**